

EXHIBIT A

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2 A. At least as far as I understand it.

3 Again, it's all a little metaphysical to me, so...

4 Q. And do you know how many laptops there

5 are?

6 A. That have been issued to me?

7 Q. Yeah.

8 A. Oh, let's see. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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2 Q. Electronic devices that you have that

3 can be used to communicate with the outside world.

4 A. Oh. Okay.

5 Q. Yeah. And say -- okay. You know, let

6 me rephrase that because in the era of the internet

7 of things, I want to be really clear.

8 Electronic devices that you have that

9 you personally use to communicate with other people.

10 MS. McNAMARA: You mean concerning her

11 professional role?

12 MR. BINNALL: I mean communicate with

13 anyone.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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2 [REDACTED]

3 Q. Understood.

4 A. Yeah.

5 Q. Do you -- and how many cell phones has

6 NBC issued to you?

7 MS. McNAMARA: Over the years or --

8 MR. BINNALL: That's a fair question.

9 Q. How many cell phones right now do you

10 have from NBC?

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. And then do you have any personal

20 electronic devices?

21 A. Yes.

22 Q. And what personal electronic devices do

23 you have?

24 A. The universe of all my electronic

25 devices or --

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2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Okay. On the devices that we just

9 discussed that were not issued to you by NBC --

10 A. Yes?

11 Q. -- do you ever use those to communicate

12 with your colleagues at NBC?

13 A. Yes, but in a different way than I would

14 use my NBC devices.

15 Q. How so?

16 A. Like I, for example, will text with Cory

17 or with other staffers occasionally using my personal

18 phone, but not for editorial purposes; for logistics

19 purposes. So I'm stuck in traffic, I'm going to be

20 late for the news meeting, do you mind if we start it

21 on Zoom, and when I get cut off in the elevator,

22 let's switch over to -- you know. Or let's get

23 sushi, or -- you know, so personal, logistical

24 things.

25 But when it comes to editorial, when it

<p>1 good.</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 Q. Would it be fair to say it was</p> <p>4 acrimonious?</p> <p>5 A. Acrimonious. It's -- I was born in</p> <p>6 1973, and I would describe that as a relevant</p> <p>7 characterization for most of that lifetime, yes.</p> <p>8 Acrimonious relations.</p> <p>9 Q. For most of the time from 1973</p> <p>10 towards -- till today?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Wouldn't you agree?</p> <p>14 Q. Yeah. Would you say that there were</p> <p>15 high points and low points over that --</p> <p>16 A. Certainly.</p> <p>17 Q. -- period?</p> <p>18 A. Certainly.</p> <p>19 Q. And would you put that period in 2020 as</p> <p>20 more towards the high point where people maybe did a</p> <p>21 little bit more get along or a low point as to less</p> <p>22 to get along?</p> <p>23 A. I would put 2020 in the category of low</p> <p>24 point, but I would put the entire decade surrounding</p> <p>25 2020 in that period. So I don't remember -- and it</p>	<p>Page 121</p> <p>1 may be that things were particularly nuclear in terms</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 of the temperature between Democrats and Republicans</p> <p>4 in that moment, but I would just describe it all as</p> <p>5 pretty hot.</p> <p>6 Q. Okay. From your perspective as a</p> <p>7 broadcaster during that general timeframe, do you</p> <p>8 think that Mr. Schiff and Mr. Nunes got along very</p> <p>9 well?</p> <p>10 A. I do not have the impression that</p> <p>11 Mr. Schiff and Mr. Nunes got along well.</p> <p>12 Q. Did you have the impression that perhaps</p> <p>13 there was a great deal of animosity between them?</p> <p>14 A. Arguably, yes, but again, I wouldn't</p> <p>15 describe either this time period or that particular</p> <p>16 relationship as categorically different than the</p> <p>17 general sense I have of partisan acrimony and</p> <p>18 personal friction among members of opposing parties</p> <p>19 and ideological takes.</p> <p>20 Q. Do you think during that time period</p> <p>21 there was a strong degree of trust between</p> <p>22 Congressman Schiff and Congressman Nunes?</p> <p>23 A. I don't know.</p> <p>24 Q. Did you get the impression that they</p> <p>25 trusted each other?</p>
<p>1 A. I honestly don't know. I mean, they're</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 members of Congress. I don't know. Who knows what</p> <p>4 lurks in the hearts of men.</p> <p>5 Q. Is it fair to say that sometimes what</p> <p>6 members of Congress say to each other in public might</p> <p>7 also be different from what they say in private, in</p> <p>8 your experience?</p> <p>9 A. As a general matter, maybe. I don't</p> <p>10 know members of Congress on a personal basis and</p> <p>11 don't know much about their culture. I mean, I can,</p> <p>12 you know, give you my impression like from fiction</p> <p>13 about American politics, but I really don't know.</p> <p>14 Q. I'm not looking for anything from</p> <p>15 fiction.</p> <p>16 You've interviewed a great number of</p> <p>17 members of Congress; is that right?</p> <p>18 A. That's definitely true.</p> <p>19 Q. Have you gotten to know many through</p> <p>20 those interviews?</p> <p>21 A. No, I actually have not. I -- as a</p> <p>22 matter -- as a -- as a practical matter, I try to</p> <p>23 limit my personal relationships with people who I am</p> <p>24 potentially going to end up covering, just to try to</p> <p>25 avoid any sentimentality about anybody's public</p>	<p>Page 123</p> <p>1 behavior being -- you know, about -- I try to avoid</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 having any sentimentality about somebody in a private</p> <p>4 capacity that might affect either positively or</p> <p>5 negatively my ability to report on their public</p> <p>6 behavior, and I do that because I'm kind of like a</p> <p>7 softy. And so like if I know that like your kid's</p> <p>8 having trouble at school, like am I going to</p> <p>9 expose -- am I going to excuse the bribe I knew you</p> <p>10 took, like? So yeah, I -- I don't try to -- I try</p> <p>11 actively not to pursue personal relationships with</p> <p>12 anybody in the news.</p> <p>13 Q. Okay. As far as you know, other than</p> <p>14 the political -- Politico article that we discussed,</p> <p>15 and I think it's Exhibit 5 -- yes, Exhibit 5. Was</p> <p>16 there any other information that suggested that</p> <p>17 Mr. Nunes did not turn over the packet at issue to</p> <p>18 the FBI?</p> <p>19 MS. McNAMARA: Objection,</p> <p>20 mischaracterizes her testimony. She's given</p> <p>21 extensive information that informed that</p> <p>22 conclusion.</p> <p>23 MR. BINNALL: I'll withdraw that.</p> <p>24 Q. And I will say other than the statement</p> <p>25 in Exhibit 5, do you have any information of a direct</p>

<p>1 allegation that Mr. Nunes did not turn the material 2 CONFIDENTIAL - Maddow - September 19, 2024 3 at question over to the FBI? 4 A. So there's -- the Politico piece that 5 we're talking about, Exhibit 5, includes two 6 important pieces of information there. One is 7 they're reporting that Mr. Nunes did not turn the 8 information over to the FBI, and then there is his 9 refusal to comment on that reporting when confronted 10 with it. 11 Thereafter, there was a few other things 12 that happened that would seem to bolster the 13 accuracy -- or the -- would seem to bolster that 14 claim from Politico's reporting; and one element was 15 the congressional leadership writing this 16 extraordinary letter and putting out a press release 17 about it letting the FBI know that information like 18 this had been received, which, to me, logically 19 seemed clear that they would not be alerting the FBI 20 in that way to something that the FBI already knew 21 about. So that seemed to be an indication that they 22 were aware the FBI had not been alerted. 23 In addition, we also had the Office of 24 the Director of National Intelligence, DHS, DOJ, 25 putting out reports identifying the person who had</p>	Page 125	<p>1 sent these packages as a sanctioned Russian agent 2 CONFIDENTIAL - Maddow - September 19, 2024 3 effectively; whereupon, the -- Congressman Nunes -- 4 Nunes' refusal to comment on whether -- on the 5 reporting that he had not handed it over to the FBI 6 took on sort of new urgency and new weight, because 7 at that point, everybody knew the import of his 8 receiving this package, which he did not deny. 9 Democrats on the committee had produced a shipping 10 receipt that seemed to prove that he had received it. 11 All of this reporting was undisputed. He had been 12 asked for comment and had not commented on this 13 matter. 14 And so at that point, the 15 longstanding -- remember, the -- the Politico piece 16 was from July of 2020. I did not do my piece until 17 March of 2021, and at that point, the -- the age of 18 his refusal to comment on this was itself an 19 important data point, given everything else that had 20 happened since then. I mean, I -- I wrote this 21 script in March of 2021 with no doubts as to the 22 accuracy of this information, and I still have no 23 doubts about it. 24 Q. So you would say the same thing on the 25 air today?</p>	Page 126
<p>1 A. I mean, in the grand -- in the grand 2 CONFIDENTIAL - Maddow - September 19, 2024 3 totality of the matter, I don't know that the facts 4 are any different than what I understood them to be, 5 and I didn't have any doubts about the accuracy of 6 the statement. 7 Q. And you still don't? 8 A. No. And in fact, the information that 9 has developed since has only bolstered this, my 10 understanding of the accuracy of that reporting. I 11 mean, I don't know if it's okay for me to talk about 12 this, so I can't ask you to stop me if it's not. 13 But once -- once we did this report in 14 March of 2021, we got a letter from a lawyer 15 representing Mr. Nunes contesting elements of the 16 report. I don't remember exactly what it was, but I 17 do remember that at that point, we said, oh, does 18 this mean that you would now like to comment on 19 whether or not you gave this item to the FBI? If you 20 do -- if I said something about that that is wrong, I 21 would very much like to know what's right. If you -- 22 since we're in communication about this now, can you 23 tell me, did you hand it over to the FBI? And we got 24 no response to that. 25 And so I feel like if Mr. Nunes had an</p>	Page 127	<p>1 issue with the accuracy of that claim specifically, 2 CONFIDENTIAL - Maddow - September 19, 2024 3 once we were talking offline about it and he was 4 raising that issue and wanted to contest it, that was 5 a -- yet another great opportunity for him to tell me 6 whether or not he handed this to the FBI, and he 7 didn't. And so Politico's reporting seemed to me to 8 be accurate at the time. I had no doubts about it, 9 and I don't have any doubts about it since. In fact, 10 Mr. Nunes' behavior since then, specifically toward 11 NBC on this matter, would seem to bolster it. 12 Q. But you didn't ask him for comment 13 before the show in April (sic) of 2021, correct? 14 A. Not on this matter, no. We had asked 15 Mr. Nunes for comment on other occasions, I believe, 16 but not on this. 17 Q. And you didn't -- and you didn't ask the 18 FBI for comment before your show in April (sic) 2021 19 either, correct? 20 A. No. The -- the show in -- in March of 21 2021. That's what you're talking about? 22 Q. Yes. 23 A. In March of 2021, was not us developing 24 and presenting newly-reported information. We were 25 taking a number of data points that were in the</p>	Page 128

<p>1 public record and lining them up and presenting them.</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 And so at that point, the request to comment to the</p> <p>4 FBI and the request to comment to Congressman Nunes</p> <p>5 from Politico was relevant to the Politico reporting,</p> <p>6 and we presented it as such.</p> <p>7 And the other data points, including the</p> <p>8 ODNI report and the letter to the FBI and the</p> <p>9 transcript with Congressman Maloney and Congressman</p> <p>10 Maloney's characterization of what had happened</p> <p>11 inside the Intelligence Committee, it was all in the</p> <p>12 public record, and we were not advancing any of those</p> <p>13 stories at all, but rather, combining them into an</p> <p>14 explanatory narrative that hopefully made sense of</p> <p>15 this issue for our audience.</p> <p>16 Q. Are you aware of any other information</p> <p>17 other than what we've already discussed that supports</p> <p>18 the statement he has refused to hand it over to the</p> <p>19 FBI?</p> <p>20 MS. McNAMARA: You're asking at the time</p> <p>21 this was published?</p> <p>22 Q. At any time, are you aware?</p> <p>23 MS. McNAMARA: Well, I think the</p> <p>24 relevant inquiry here is the time it was</p> <p>25 published. If you're asking --</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. BINNALL: We can -- we can talk</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 about relevance. We can talk about relevance</p> <p>4 later. My --</p> <p>5 MS. McNAMARA: No. This isn't a</p> <p>6 relevance question, because if she knows</p> <p>7 information from counsel, it is privileged</p> <p>8 information --</p> <p>9 MR. BINNALL: Okay. Yes.</p> <p>10 MS. McNAMARA: -- and I instruct her not</p> <p>11 to answer. So I'm -- if you want to pose this</p> <p>12 question as to information she knew at the time</p> <p>13 she published this, that is an appropriate</p> <p>14 question.</p> <p>15 MR. BINNALL: Here is what I'll do.</p> <p>16 Q. Other than communications you've had</p> <p>17 with your lawyers, are you aware of any other</p> <p>18 information that bears to the accuracy of the</p> <p>19 statement he has refused to hand it over to the FBI?</p> <p>20 A. Again, I do not want to get in trouble,</p> <p>21 and I can't ask you for help in avoiding that.</p> <p>22 Q. I don't want to know conversations you</p> <p>23 had with your lawyers.</p> <p>24 A. Which is where we're up against</p> <p>25 because --</p>
<p>1 Q. Yeah.</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 A. -- when I did this --</p> <p>4 MS. McNAMARA: Then -- then if -- do not</p> <p>5 answer -- I instruct you not to answer if, to</p> <p>6 answer that question, it would call for</p> <p>7 information you've learned as part of this</p> <p>8 communications with counsel.</p> <p>9 MR. BINNALL: Hold on. There's --</p> <p>10 there's something important here.</p> <p>11 Communications are protected. Facts are not</p> <p>12 protected.</p> <p>13 Q. And so are -- and so if she is aware of</p> <p>14 facts, and I don't want to know about your</p> <p>15 communications with your lawyers, but if you are</p> <p>16 aware of facts that bear on the accuracy of the</p> <p>17 statement he has refused to hand it over to the FBI,</p> <p>18 I want to know what those are.</p> <p>19 MS. McNAMARA: And I give the same</p> <p>20 instruction to the witness. If you learned any</p> <p>21 such information from communications from</p> <p>22 counsel, including facts that are communicated</p> <p>23 to you by or -- you know, or allegations or</p> <p>24 anything else communicated by counsel, those are</p> <p>25 privileged communications, and I instruct you</p>	<p style="text-align: right;">Page 131</p> <p>1 not to answer them.</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 A. As a non-lawyer, I'm going to do my best</p> <p>4 here, which is when Congressman Nunes, through</p> <p>5 counsel, complained after I did this segment, I am</p> <p>6 aware that the letter back to him said did you give</p> <p>7 it to the FBI, then? Is that what you're telling me?</p> <p>8 Does this mean if -- in essence, does this mean that</p> <p>9 you gave it to the FBI? And there was no response.</p> <p>10 To me, that further bolstered my sense of the</p> <p>11 accuracy of that reporting.</p> <p>12 And so that's -- is that a fact or is</p> <p>13 that a communication with counsel? I don't know.</p> <p>14 But that's the thing.</p> <p>15 Q. So is there any other facts that you're</p> <p>16 aware of that would bolster the -- that would go to</p> <p>17 the accuracy of the statement he has refused to hand</p> <p>18 it over to the FBI?</p> <p>19 MS. McNAMARA: Other than what she's</p> <p>20 testified?</p> <p>21 Q. Other than what you already testified</p> <p>22 to.</p> <p>23 A. I -- no, I don't have any -- I don't</p> <p>24 know if -- if you're just asking the same question</p> <p>25 again, I don't have an additional thing.</p>

<p>1 Q. Okay. We've exhausted the universe of 2 CONFIDENTIAL - Maddow - September 19, 2024 3 what you based that statement on now; is that right? 4 MS. McNAMARA: Objection. I mean, as 5 she's sitting here today, what she can remember? 6 MR. BINNALL: I want to -- 7 A. Can we just -- okay. 8 One last thing. Sorry. I'm not just 9 flipping pages to do a mime act here. I'm actually 10 looking for -- if you are literally asking me about 11 the whole universe of things in the world, there's 12 only one other thing that I would add. I was just 13 seeing -- just looking to see if we had reference to 14 it in any of these exhibits, and I don't think we do. 15 And that is that in 2020, I did an interview with 16 somebody who was involved in this foreign influence 17 operation, and one of the subjects that I raised in 18 that interview was whether or not this guy, who was 19 involved in this foreign influence operation and in 20 contact with Russian agents, whether he had had any 21 interactions with Congressman Nunes. And the 22 interview subject told me that yes, he had. And at 23 the time, Congressman Nunes was denying that he had 24 ever had any contact with this guy, and that he knew 25 anything about him and that he never had any</p>	<p style="text-align: right;">Page 133</p> <p>1 interactions with him. 2 CONFIDENTIAL - Maddow - September 19, 2024 3 That was not on the direct matter of 4 whether or not Congressman Nunes had handed matters 5 to the FBI, but it did inform my thinking about how 6 forthright, or rather, how disingenuous he seemed to 7 be in his public remarks about this particular 8 scandal. And it made me sort of put up my antenna 9 around his furtive and secretive and evasive 10 responses when it came to explaining his own role, 11 his own responsibility, and his own sort of 12 patriotism or lack thereof when it came to 13 involvement in this operation that was targeting our 14 country. 15 And so I say that not because it was 16 about specifically him handing that document to the 17 FBI, but it put me on alert to the nuances of what he 18 was willing to talk about and what he was not. And 19 his refusal to comment when confronted directly with 20 the reporting in Politico about -- in which they had 21 a source that said he didn't hand it to the FBI, to 22 me, that seemed like relevant and textual 23 information. 24 So I'm sorry that that's a little far 25 afield, but if you want my total honest answer about</p>
<p>1 the universe of information that I brought to bear on 2 CONFIDENTIAL - Maddow - September 19, 2024 3 my assessment of the veracity of that reporting, 4 that's part of it. 5 Q. And who was that interview with? 6 A. Lev Parnas, P-A-R-N-A-S. First name 7 L-E-V. 8 Q. And -- and just to be clear so that I 9 understand, Mr. Parnas told you that Mr. Nunes has -- 10 had communicated with Mr. Derkach? 11 MS. McNAMARA: Derkach. 12 MR. BINNALL: Derkach. I apologize. 13 A. I don't remember exactly if it was 14 specifically about communication with Mr. Derkach or 15 if it was about just communication with Mr. Parnas, 16 but it was about Mr. Nunes having awareness of, and 17 communication with, people who were involved in this 18 Russian influence operation. 19 Q. Okay. And you -- you believed 20 Mr. Parnas in that? 21 A. I believed Mr. Parnas in that instance 22 because he showed me text messages and photos that 23 bolster his claims. 24 Q. Okay. Text messages with Mr. Nunes? 25 A. I don't remember specifically, but</p>	<p style="text-align: right;">Page 135</p> <p>1 Mr. Parnas at the time was under indictment, which 2 CONFIDENTIAL - Maddow - September 19, 2024 3 was an unusual time for him to be doing a media 4 interview, and a lot of people sort of in the Trump 5 world and Republican politics who had interacted with 6 Mr. Parnas were denying that they had ever met him or 7 knew who he was, and he, as a general matter, was 8 then frustrating everybody and making news by 9 releasing his own communications and photographs of 10 himself with people who had denied they said they 11 ever met him or had anything to do with him. He -- 12 Q. How about -- I'm sorry. 13 A. That's all. 14 Q. How about the photos, did you see any 15 photos with Mr. Parnas and Mr. Nunes? 16 A. I don't know. 17 Q. Okay. We talked about -- if we can go 18 back to Exhibit 5 real quick. 19 We talked about your knowledge of Kyle 20 Cheney. On the byline for Exhibit 5, we've got two 21 other authors there. 22 Do you see that? 23 A. Yes. 24 Q. Are you aware of the reputation of 25 either of them?</p>

1 **A. In a general sense, not in a specific,**
2 **CONFIDENTIAL - Maddow - September 19, 2024**
3 **yes. But they're all -- they were all at the time**
4 **Politico reporters.**
5 Q. Do you know who Natasha Bertrand is?
6 **A. I know her by reputation, but only**
7 **vaguely.**
8 Q. Okay. And same with Andrew --
9 **A. Desiderio.**
10 Q. -- Desiderio?
11 **A. It's Desiderio.**
12 THE WITNESS: D-E-S-I-D-E-R-I-O.
13 **A. Again, by reputation, but I'm, A, bad**
14 **with names; and B, been engaged with lots and lots**
15 **and lots of reporters, so I don't necessarily track**
16 **all of their careers.**
17 Q. I understand.
18 And at the end of the article, it also
19 says that Betsy Woodruff Swan contributed to this
20 report.
21 THE WITNESS: Woodruff is Wood, and
22 R-U-F-F.
23 Q. Do you see that?
24 **A. Yes.**
25 Q. You're aware who she is?

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1 A. Yes, in a general -- in a vague sense.
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3 Q. Okay.
4 A. I don't know her well. I couldn't tell
5 you what she looks like.
6 Q. And did the reputation of any of the
7 authors impact you one way or another regarding the
8 veracity of that piece?
9 A. I would generally describe Politico as a
10 respected professional publication, with professional
11 editing and repertorial standards, and I didn't have
12 any reason to believe that this piece would be
13 anything other than within those bounds.
14 Q. Okay. And that goes to the general
15 reputation of Politico; is that right?
16 A. Yes. And you know, specifically to this
17 story in this matter, I was unaware that they ever,
18 you know, corrected this or published a retraction or
19 anything like that.
20 (Exhibit 10, E-Mail dated August 3,
21 2020, marked for identification, as of this
22 date.)
23 Q. In front of you is Exhibit 10, which is
24 also Exhibit 11 in the Gnazzo deposition; is that
25 right?

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1 A. Exhibit 10, yes. Yes. And then 11,
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3 yes.

4 Q. Okay. And is that an e-mail from Steve
5 Benen?

6 A. Yes.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Okay. And do you know if he's an
25 employee of NBC?

1 A. He is, yes. He has an unusual producer
2 CONFIDENTIAL - Maddow - September 19, 2024
3 job in the sense that he doesn't participate in
4 the -- he almost never, 99.99 percent, does not
5 participate in the production of the show. He writes
6 the blog. And so the blog -- he writes the blog, he
7 sits in on the news meeting, he's there to answer
8 questions, but really he's a writer, even though he
9 has a producer title.

10 Q. Does he help pitch stories?

11 A. He sends this -- he sends one e-mail
12 each day that summarizes what he has posted on the
13 blog. So in case nobody's had a chance to keep up
14 with it, he says -- essentially, he indexes what's on
15 the blog to say here's what he thinks might be of
16 interest, and he's kind of like a little clockwork
17 machine. He sends that every day, and we all review
18 it, and it's very helpful.

19 Q. Okay. Do you remember seeing this
20 e-mail from him?

21 A. Not this specifically, no, but it's not
22 unusual that I would -- I get this -- I get an e-mail
23 like this from him every day, so...

24 Q. You see where -- the #TrifectaWatch in
25 there?

<p>1 A. Yes.</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 Q. Do you know what that is?</p> <p>4 A. Yes. That's a -- sort of an inside joke</p> <p>5 on the staff, which is that there's a few like rules</p> <p>6 of thumb that we have about something that makes an</p> <p>7 item more satisfying or tellable news story. Like I</p> <p>8 don't know if you know anybody who does like standup</p> <p>9 comedy, but some words are funnier than other words.</p> <p>10 Like any joke that involves the word bucket is always</p> <p>11 going to be funnier than a joke that doesn't involve</p> <p>12 the word bucket.</p> <p>13 Similarly, when you are telling news</p> <p>14 stories that are not breaking news, not new</p> <p>15 information, freshly developed about a thing you've</p> <p>16 never heard of before, but rather emerging theme, you</p> <p>17 can't tell an emerging theme story with two data</p> <p>18 points, and if you tell an emerging theme story with</p> <p>19 four data points, you will lose people. But if</p> <p>20 you've got three, that's the trifecta, and in terms</p> <p>21 of the way our brains are structured as humans, that</p> <p>22 is the perfect number of data points to use to tell</p> <p>23 an emerging theme story.</p> <p>24 Sorry. That was longer than I --</p> <p>25 Q. No, no. I appreciate that. Thank you.</p>	<p>Page 141</p> <p>1 MR. BINNALL: Can we mark this as 11,</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 please.</p> <p>4 (Exhibit 11, E-Mail dated August 4,</p> <p>5 2020, marked for identification, as of this</p> <p>6 date.)</p> <p>7 Q. All right. In front of you is another</p> <p>8 e-mail from Mr. Benen that's marked as Exhibit 11.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And this is the same in the series of</p> <p>12 e-mails that he sends you every day; is that right?</p> <p>13 A. Yes. You see how close they are in the</p> <p>14 time stamp?</p> <p>15 Q. Yes.</p> <p>16 A. He is a machine. I wish I were that</p> <p>17 organized.</p> <p>18 Q. Okay. Do you remember this e-mail?</p> <p>19 A. Not specifically, no.</p> <p>20 Q. Is it usual for him to talk to you about</p> <p>21 how information from his blogs is received online?</p> <p>22 A. Occasionally. It's not usual, but</p> <p>23 occasionally, he will mention that, and it's -- it is</p> <p>24 of interest, and I've asked him to do that because</p> <p>25 oftentimes, what that means -- I think we initially</p>
<p>1 thought with the blog that that was sort of the</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 product of a search engine optimization or great</p> <p>4 headline picking, but what we've learned over time is</p> <p>5 that often when -- especially because Steve is such a</p> <p>6 prolific and systematic writer, that he posts so</p> <p>7 regularly, so much, so often in such an organized</p> <p>8 way, that it gives us a really good dataset to look</p> <p>9 at; and what we've realized over time is that when</p> <p>10 things do pop online in terms of Steve's posts, it's</p> <p>11 not usually something about a well-written headline</p> <p>12 or a well-placed search engine attracted --</p> <p>13 attractive tag. It's because it's information that</p> <p>14 people aren't getting anywhere but from Steve's post.</p> <p>15 It implies that something is resonating because</p> <p>16 they're not -- people are not hearing about that</p> <p>17 story elsewhere.</p> <p>18 And so to me, that goes right to that</p> <p>19 sort of central motto of our show that I was talking</p> <p>20 about earlier today which is to increase the amount</p> <p>21 of useful information in the world. If something</p> <p>22 Steve is doing is really dinging, usually that means</p> <p>23 to me, oh, this is proving useful to people, and so</p> <p>24 it's a helpful metric. It certainly</p> <p>25 isn't determinative in terms of whether or not</p>	<p>Page 143</p> <p>1 we're going to pick a story, but it is -- it</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 is interest -- it is, for me, helpful in terms of</p> <p>4 understanding the news universe into which a story</p> <p>5 that we do and how it -- how a story we would -- how</p> <p>6 a story we might do might be liked.</p> <p>7 Q. Do you know how he judges whether a --</p> <p>8 one of his blogs is received well online?</p> <p>9 A. I don't know, actually. I've never</p> <p>10 asked.</p> <p>11 Q. Do you know if that has to do with the</p> <p>12 views of the story?</p> <p>13 A. It might, although my understanding of</p> <p>14 those metrics is that they come on a slower cadence</p> <p>15 than that. So it would surprise me if that was the</p> <p>16 basis here, because these e-mails are just one day</p> <p>17 apart, and I would be surprised if Steve sought like</p> <p>18 click metrics on a daily basis. It might have just</p> <p>19 been he got a lot of retweets. But if he posted a</p> <p>20 link to it or something, I don't know, but I -- I</p> <p>21 would be guessing.</p> <p>22 Q. Do you know if it has anything to do</p> <p>23 with social media interaction?</p> <p>24 A. I don't know. I really don't. I'd be</p> <p>25 guessing. And in fact, he just says Surprisingly</p>

<p>1 well received online. Occasionally, he'll -- like in</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 the previous e-mail on the 3rd, he says My tweet</p> <p>4 generated some unexpectedly good pickup. So that was</p> <p>5 about the social media performance of his tweet,</p> <p>6 presumably, but on the second day, he says it was</p> <p>7 well received online. That could mean on the blog,</p> <p>8 on social media. It could mean anything.</p> <p>9 Q. Okay.</p> <p>10 MR. BINNALL: Can you mark this as 12,</p> <p>11 please.</p> <p>12 (Exhibit 12, E-Mail dated March 17,</p> <p>13 2021, marked for identification, as of this</p> <p>14 date.)</p> <p>15 Q. All right. In front of you is an e-mail</p> <p>16 from Mr. Benen that's dated March 17th, 2021.</p> <p>17 You see that?</p> <p>18 A. Yes.</p> <p>19 Q. It's marked as Exhibit 12.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And on that one, he discusses</p> <p>22 follow up regarding Derkach and congressional</p> <p>23 Republicans.</p> <p>24 Do you see that?</p> <p>25 A. I am thinking about -- yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Do you remember this e-mail?</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 A. No.</p> <p>4 Q. Okay. Do you know if this e-mail was</p> <p>5 the -- the impetus of your report on Mr. Nunes that's</p> <p>6 at issue in this litigation?</p> <p>7 A. In almost no instance is there just one</p> <p>8 impetus for a story that we choose to put on the air.</p> <p>9 This might have contributed, but I don't remember.</p> <p>10 It would make -- I mean, it would make sense that it</p> <p>11 might have, but I imagine it wouldn't have been just</p> <p>12 one thing.</p> <p>13 MR. BINNALL: Can you mark this as 13.</p> <p>14 (Exhibit 13, E-Mail dated March 18,</p> <p>15 2021, marked for identification, as of this</p> <p>16 date.)</p> <p>17 Q. All right. In front of you is another</p> <p>18 e-mail from Mr. Benen that's marked as Exhibit 13.</p> <p>19 Do you see this?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And again, from the same</p> <p>22 time of day on March 18th.</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember this e-mail?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 146</p> <p>1 A. What's my opinion about him as a man?</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 Q. Yeah.</p> <p>4 A. I don't think I have an opinion about</p> <p>5 him as a man.</p> <p>6 Q. What's your opinion about him as</p> <p>7 somebody involved in politics?</p> <p>8 A. I've never really thought about it.</p> <p>9 First of all, I'd just -- I'll just say as a -- as a</p> <p>10 general matter, any personal opinion that I have</p> <p>11 about a political figure or a public figure doesn't</p> <p>12 influence my reporting on their actions. We all have</p> <p>13 public -- we all have personal feelings of all sorts</p> <p>14 of weird kinds about all sorts of weird things, but</p> <p>15 it's my job to not let those inflect on what I do in</p> <p>16 my work. So I'll just say that as a -- as a</p> <p>17 foundational matter.</p> <p>18 Do you still want to know my opinion?</p> <p>19 Q. Yeah.</p> <p>20 A. Two things. I've never articulated this</p> <p>21 before, and I've never really thought about it</p> <p>22 before, but you might have noticed just from</p> <p>23 interacting with me today that I'm a little awkward.</p> <p>24 I'm not great with people, and a lot of people in</p> <p>25 politics are really like charismatic and great with</p>
<p>1 Q. And do you know about whether his</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 comment here impacted your decision to report on</p> <p>4 Mr. Nunes on the statement at issue in this</p> <p>5 litigation?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. It was from the same day as the</p> <p>8 report, correct?</p> <p>9 A. Yes. The -- March 18th. That's the</p> <p>10 date of the segment, yes? Yes.</p> <p>11 Q. Okay. Have you ever had any</p> <p>12 conversations with Mr. Benen about Devin Nunes?</p> <p>13 A. I don't think so, other than, you know,</p> <p>14 him being one of 20 to 30 people on the news call</p> <p>15 where Mr. Nunes was brought up as a matter of</p> <p>16 something going on in the news, but I don't remember</p> <p>17 ever having an individual conversation with Steve</p> <p>18 about Mr. Nunes.</p> <p>19 Q. Do you know Mr. Benen's opinion of --</p> <p>20 about Mr. Nunes one way or another?</p> <p>21 A. No.</p> <p>22 Q. What's your opinion about Mr. Nunes?</p> <p>23 A. What's my opinion about --</p> <p>24 MS. McNAMARA: Objection, lack of</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 147</p> <p>1 Q. And do you know about whether his</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 comment here impacted your decision to report on</p> <p>4 Mr. Nunes on the statement at issue in this</p> <p>5 litigation?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. It was from the same day as the</p> <p>8 report, correct?</p> <p>9 A. Yes. The -- March 18th. That's the</p> <p>10 date of the segment, yes? Yes.</p> <p>11 Q. Okay. Have you ever had any</p> <p>12 conversations with Mr. Benen about Devin Nunes?</p> <p>13 A. I don't think so, other than, you know,</p> <p>14 him being one of 20 to 30 people on the news call</p> <p>15 where Mr. Nunes was brought up as a matter of</p> <p>16 something going on in the news, but I don't remember</p> <p>17 ever having an individual conversation with Steve</p> <p>18 about Mr. Nunes.</p> <p>19 Q. Do you know Mr. Benen's opinion of --</p> <p>20 about Mr. Nunes one way or another?</p> <p>21 A. No.</p> <p>22 Q. What's your opinion about Mr. Nunes?</p> <p>23 A. What's my opinion about --</p> <p>24 MS. McNAMARA: Objection, lack of</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 148</p> <p>1 A. What's my opinion about him as a man?</p> <p>2 CONFIDENTIAL - Maddow - September 19, 2024</p> <p>3 Q. Yeah.</p> <p>4 A. I don't think I have an opinion about</p> <p>5 him as a man.</p> <p>6 Q. What's your opinion about him as</p> <p>7 somebody involved in politics?</p> <p>8 A. I've never really thought about it.</p> <p>9 First of all, I'd just -- I'll just say as a -- as a</p> <p>10 general matter, any personal opinion that I have</p> <p>11 about a political figure or a public figure doesn't</p> <p>12 influence my reporting on their actions. We all have</p> <p>13 public -- we all have personal feelings of all sorts</p> <p>14 of weird kinds about all sorts of weird things, but</p> <p>15 it's my job to not let those inflect on what I do in</p> <p>16 my work. So I'll just say that as a -- as a</p> <p>17 foundational matter.</p> <p>18 Do you still want to know my opinion?</p> <p>19 Q. Yeah.</p> <p>20 A. Two things. I've never articulated this</p> <p>21 before, and I've never really thought about it</p> <p>22 before, but you might have noticed just from</p> <p>23 interacting with me today that I'm a little awkward.</p> <p>24 I'm not great with people, and a lot of people in</p> <p>25 politics are really like charismatic and great with</p>

1 people, and that's why they're in politics. And I Page 149
 2 CONFIDENTIAL - Maddow - September 19, 2024
 3 think that Congressman Nunes is awkward and not great
 4 with people, and I sort of empathize with that, and
 5 kind of like -- like I sort of -- I see myself as --
 6 I think he and I are probably, in terms of the way
 7 our brains are wired, a little bit of the same kind
 8 of person, and so I imagine that politics isn't easy
 9 for him. So I have a little bit of like personal
 10 empathy with him.
 11 Like I -- there are -- yeah. Like in
 12 high school, it was like jocks and nerds, and most
 13 politicians are jocks, and I was a nerd, and I think
 14 of him as kind of being kind of a nerd, so there's
 15 that. That's my sense of his personality.
 16 And then honestly, in a less flattering
 17 way, I did think that his -- the reason that he said
 18 why he left Congress, which was to go work for this
 19 media company, and he made sort of a big splash out
 20 of it being a -- a free speech thing that he was
 21 doing because he was such a free speech guy, I found
 22 to be ironic and hypocritical given his -- I mean,
 23 the thing that he's most famous for, which is suing
 24 people who say things that annoy him. If he's a free
 25 speech absolutist, then that's worse than giving up

1 at issue. Page 151
 2 CONFIDENTIAL - Maddow - September 19, 2024
 3 So I really -- I've allowed this
 4 testimony. I'm not going to allow further
 5 testimony on her personal opinions distinct from
 6 what's published.
 7 MR. BINNALL: Are you instructing her
 8 not to answer the question?
 9 MS. McNAMARA: I am instructing her not
 10 to answer.
 11 MR. BINNALL: Let's go ahead and mark
 12 this, and we can come back to it if we need to.
 13 Q. Are -- to your knowledge, are ratings
 14 important in your profession?
 15 A. In a -- in a general sense, yes.
 16 Q. Why?
 17 A. Ratings are related to ad rates, as far
 18 as I know. Although, the business is changing so
 19 much now, I don't even technically know that that's
 20 true any more. But I -- and anybody who's involved
 21 in broadcasting I think has a general sense that more
 22 people watching is better than fewer people watching.
 23 Q. And do you have a sense of what the
 24 demographic is that watches your show?
 25 A. Not really. No, I don't.

1 an incredibly powerful and important career in Page 150
 2 CONFIDENTIAL - Maddow - September 19, 2024
 3 Congress because you're so invested in free speech,
 4 but all you've done in public life other than sort of
 5 in Congress is sue people who say things you disagree
 6 with. It's just -- it's hard for me to square, and
 7 it makes me feel like there's something about him I
 8 don't understand.
 9 Q. It's fair to -- it's accurate to say
 10 that your political opinions and his political
 11 opinions are probably divergent?
 12 A. I would guess. I mean, I don't know
 13 that much about his personal opinions. I know about
 14 his political actions. So I would guess that, you
 15 know, I -- I think that I'm a liberal and he's a
 16 conservative, so we probably disagree on most things,
 17 but you never know. I don't -- I mean, I also fish
 18 and drive a pickup truck. Maybe we have a lot more
 19 in common than I think.
 20 (DIR)
 21 Q. But your political opinions are in line
 22 with what you say in your show, right?
 23 MS. McNAMARA: Objection, and I think
 24 that her personal politics are not at issue
 25 here. What is -- she publishes on the show is

1 Q. Have you ever looked at statistics that Page 152
 2 CONFIDENTIAL - Maddow - September 19, 2024
 3 show what kind of people watch your show?
 4 A. Over the years, there are occasionally
 5 research reports done that describe the audience
 6 demographically, but I haven't looked at one in
 7 years, and I'm -- I don't -- I don't really -- I
 8 didn't retain the information in any detail. I mean,
 9 I know that the cable news audience generally is an
 10 older skewing audience.
 11 I think this is going to expose my
 12 levels of ignorance on this, but I remember very
 13 early on in my show there being something interesting
 14 and unexpected about the gender skew of my viewers,
 15 and I literally don't remember what it was. I don't
 16 remember if it was more men than you'd expect or more
 17 women than you'd expect. All I remember is that the
 18 research people were surprised. That's probably --
 19 don't tell my bosses I said that. I should pay more
 20 attention.
 21 Q. Do you have a sense on whether your
 22 viewership is more liberal or more conservative?
 23 A. I don't, because I don't pay attention
 24 to that. Again, that information isn't made
 25 available to me in any systematic way, and I don't